

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12800-12814

12800. There are in the state **government** the following agencies: State and Consumer Services; Business, Transportation and Housing; California Environmental Protection; California Health and Human Services; Labor and Workforce Development; Resources; and Youth and Adult Correctional.

Whenever the term "Agriculture and Services Agency" appears in any law, it means the "State and Consumer Services Agency," and whenever the term "Secretary of Agriculture and Services Agency" appears in any law, it means the "Secretary of State and Consumer Services."

Whenever the term "Business and Transportation Agency" appears in any law, it means the "Business, Transportation and Housing Agency," and whenever the term "Secretary of the Business and Transportation Agency" appears in any law, it means the "Secretary of Business, Transportation and Housing."

Whenever the term "Health and Welfare Agency" appears in any law, it means the "California Health and Human Services Agency," and whenever the term "Secretary of the Health and Welfare Agency" appears in any law, it means the "Secretary of California Health and Human Services."

12801. Each agency is under the supervision of an executive officer known as the secretary. Each secretary shall be appointed by, and hold office at the pleasure of, the Governor. The appointment of each secretary is subject to confirmation by the Senate. The annual salary of each secretary is provided for by Chapter 6 (commencing with Section 11550) of Part 1.

12802.5. The Governor may, with respect to the Resources Agency, appoint an Assistant Secretary for Energy Matters who may serve as Secretary for Resources designee on the Energy Resources Conservation and Development Commission and an Assistant Secretary for Coastal Matters who may serve as Secretary for Resources designee on the State Coastal Commission.

12802.8. The Governor may, with respect to the Business, Transportation and Housing Agency, appoint a Deputy Secretary of Housing, who shall serve as the secretary's primary advisor on housing matters.

The Deputy Secretary of Housing shall hold office at the pleasure of the secretary and shall receive a salary as shall be fixed by the secretary with the approval of the Department of Finance.

12803. (a) The California Health and Human Services Agency consists of the following departments: Health Services; Mental Health; Developmental Services; Social Services; Alcohol and Drug Abuse; Aging; Rehabilitation; and Community Services and Development.

(b) The agency also includes the Office of Statewide Health Planning and Development and the State Council on Developmental **Disabilities**.

(c) The Department of Child Support Services is hereby created within the agency commencing January 1, 2000, and shall be the single organizational unit designated as the state's Title IV-D agency with the responsibility for administering the state plan and providing services relating to the establishment of paternity or the establishment, modification, or enforcement of child support obligations as required by Section 654 of Title 42 of the United States **Code**. State plan functions shall be performed by other agencies as required by law, by delegation of the department, or by cooperative agreements.

12803.2. (a) (1) The Secretary of the California Health and Human Services Agency shall establish and staff within the agency the Long-term Care Council.

(2) The Long-term Care Council shall be an interdepartmental, interagency council that shall coordinate long-term care policy development and program operations and shall develop a strategic plan for long-term care policy. The Long-term Care Council shall provide leadership in developing a long-term care system out of the array of programs, in existence as of January 1, 2000, that provide long-term care services.

(b) The Long-term Care Council, chaired by the Secretary of the California Health and Human Services Agency, shall hold open meetings no less than quarterly and its membership shall consist of the directors of all of the following departments:

(1) California Department of Aging.

- (2) State Department of Developmental Services.
- (3) Department of Veterans Affairs.
- (4) State Department of Health Services.
- (5) State Department of Mental Health.
- (6) State Department of Social Services.
- (7) Department of Rehabilitation.
- (8) Office of Statewide Health Planning and Development.

(c) The Long-term Care Council shall have an executive subcommittee that is chaired by the designated Assistant Secretary of the California Health and Human Services Agency and the membership of which is comprised of appropriate deputy directors or other officers, as selected by the director of each respective department and office listed in subdivision (b). The executive subcommittee shall meet as often as necessary to accomplish the tasks enumerated in subdivision (d). The executive subcommittee shall report to the Long-term Care Council at its regularly scheduled quarterly meetings.

(d) The Long-term Care Council shall have all of the following duties:

(1) To promote coordinated planning and policy development with regard to the provision of long-term care services, including, but not limited to, addressing the need for data on the utilization and cost of long-term care services. In performing this duty, the Long-term Care Council shall consider and act on, as appropriate, Chapter 4 of the January 1999 California Health and Human Services Agency report entitled "Report on Long-Term Care Programs and Options for Integration."

(2) To develop strategies to improve quality and accessibility of consumer information on available long-term care programs administered by the state departments represented on the Long-term Care Council.

(3) To develop strategies to better monitor the consumer responsiveness of long-term care services and programs.

(4) To develop strategies to streamline the regulatory process, including licensing and certification functions, while promoting a strong working relationship between state **government** and local and federal agencies, providers, caregivers, consumers, and other appropriate parties. In performing this duty, the Long-term Care Council shall consider and act on, as appropriate, Chapter 5 of the January 1999 California Health and Human Services Agency report entitled "Report on Long-Term Care Programs and Options for Integration."

(5) To develop priorities and strategies for enhancing the overall availability and quality of long-term care services by identifying and responding to consumers currently being underserved, or outside of, the current long-term care system including, but not limited to,

survivors of traumatic brain injury and other underserved populations.

(6) To establish appropriate mechanisms to achieve the objectives outlined in this subdivision, including, for example, by creating ad hoc or standing advisory committees or holding public hearings for the purpose of soliciting and receiving input.

(7) To provide to the Legislature, on or before January 1, 2003, a study of trends affecting the need for long-term care services and other supportive services for the elderly and for younger adults with **disabilities**. The council shall seek appropriate support and assistance from foundations, the federal **government**, and universities, in order to carry out the study within existing state resources. In developing and overseeing the study, the council shall also seek the cooperation and advice of the Legislative Analyst, foundations, qualified California universities, local **government**, and appropriate organizations representing the elderly and disabled. The study may examine all of the following topics:

(A) Population trends.

(B) Sociodemographic characteristics.

(C) Housing and transportation needs.

(D) Health care and long-term care delivery and utilization.

(E) Social support structures.

(8) To establish priorities and develop timelines for carrying out the duties prescribed by this subdivision. Initially, the Long-term Care Council shall include among its first priorities the development of methods to improve consumer access to long-term care information.

(9) Prior to submitting budgets to the Department of Finance, to review and make recommendations on aspects of the represented department budgets that pertain to long-term care programs and services.

(10) To report annually to the Legislature, commencing January 2001, on progress to date on the duties enumerated in this subdivision and making note of any additional legislation or resources needed.

(e) The Legislative Analyst shall include in the Analysis of the 2001-02 Governor's Budget and the Analysis of the 2006-07 Governor's Budget a summary of spending on state long-term care programs and, to the extent feasible, estimates of the population served by each program.

(f) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

12803.3. (a) For purposes of this section, the following definitions shall apply:

(1) "Director" means the Director of the Office of Systems Integration.

(2) "Office" means the Office of Systems Integration.

(3) "Services" means all functions, responsibilities, and services deemed to be functions, responsibilities, and services of the Systems Integration Division, also known as Systems Management Services, of the California Health and Human Services Agency Data Center, as determined by the Secretary of California Health and Human Services.

(b) (1) The Systems Integration Division of the California Health and Human Services Agency Data Center is hereby transferred to the California Health and Human Services Agency and shall be known as the Office of Systems Integration. The Office of Systems Integration shall be the successor to, and is vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Systems Integration Division of the California Health and Human Services Agency Data Center.

(2) Notwithstanding any other law, all services of the Systems Integration Division of the California Health and Human Services Agency Data Center shall become the services of the Office of Systems Integration.

(c) The office shall be under the supervision of a director, known as the Director of the Office of Systems Integration, who shall be appointed by, and serve at the pleasure of, the Secretary of California Health and Human Services.

(d) No contract, lease, license, or any other agreement to which the California Health and Human Services Data Center is a party on the date of the transfer as described in paragraph (1) of subdivision (b) shall be void or voidable by reason of this section, but shall continue in full force and effect. The office shall assume from the California Health and Human Services Data Center all of the rights, obligations, and duties of the Systems Integration Division. This assumption of rights, obligations, and duties shall not affect the rights of the parties to the contract, lease, license, or agreement.

(e) All books, documents, records, and property of the Systems Integration Division shall be in the possession and under the control of the office.

(f) All officers and employees of the Systems Integration Division shall be designated as officers and employees of the agency. The status, position, and rights of any officer or employee shall not be affected by this designation and all officers and employees shall be retained by the agency pursuant to the applicable provisions of the

State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to any position that is exempt from civil service.

(g) (1) All contracts, leases, licenses, or any other agreements to which the California Health and Human Services Data Center is a party regarding any of the following are hereby assigned from the California Health and Human Services Data Center to the office:

- (A) Statewide Automated Welfare System (SAWS).
- (B) Child Welfare Services/Case Management System (CWS/CMS).
- (C) Electronic Benefit Transfer (EBT).
- (D) Statewide Fingerprinting Imaging System (SFIS).
- (E) Case Management Information Payrolling System (CMIPS).
- (F) Employment Development Department Unemployment Insurance Modernization (UIMOD) Project.

(2) All other contracts, leases, or agreements necessary or related to the operation of the Systems Integration Division of the California Health and Human Services Data Center are hereby assigned from the California Health and Human Services Data Center to the office.

(h) It is the intent of the Legislature that the transfer of the Systems Integration Division of the California Health and Human Services Agency Data Center pursuant to this section shall be retroactive to the passage and enactment of the Budget Act of 2005 and that existing employees of the Systems Integration Division of the California Health and Human Services Agency Data Center and the newly established Office of Systems Integration shall not be negatively impacted by the reorganization and transfer conducted pursuant to this section.

(i) It is the intent of the Legislature to review fully implemented information technology projects managed by the office to assess the viability of placing the management responsibility for those projects in the respective program department.

(j) On or before April 1, 2006, the Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee the date that the administration shall conduct an assessment for each of the projects managed by the office. The California Health and Human Services Agency, the California Health and Human Services Agency Data Center, or its successor, the State Department of Social Services, and the office shall provide to the Department of Finance all information and analysis the Department of Finance deems necessary to conduct the assessment required by this section. Each assessment shall consider the costs, benefits, and any associated risks of maintaining the project management responsibility in the office and of moving the project management responsibility to its respective program department.

(k) The California Health and Human Services Agency shall not

place or transfer information technology projects in the office, without further legislation authorizing these activities.

12803.5. The Governor, upon recommendation of the Secretary of the Health and Welfare Agency, may appoint not to exceed two deputies for the secretary.

12803.6. (a) The Governor shall authorize the secretary of the Labor and Workforce Development Agency, in collaboration with the secretary of the California Health and Human Services Agency, to make available the expertise of state employees and programs to support the employment-related needs of individuals with **disabilities**. Using existing resources, the agencies shall develop a sustainable, comprehensive strategy to do all of the following:

(1) Bring adults with **disabilities** into gainful employment at a rate that is as close as possible to that of the general adult population.

(2) Support the goals of equality of opportunity, full participation, independent living, and economic self-sufficiency for these individuals.

(3) Ensure that state **government** is a model employer of individuals with **disabilities**.

(4) Support state coordination with, and participation in, benefits planning training and information dissemination projects supported by private foundations and federal grants.

(b) (1) The Labor and Workforce Development Agency shall monitor and enforce implementation of Section 188 of the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2938), and shall require local workforce investment boards to report as follows:

(A) By July 1, 2003, each local workforce investment board shall report to the Labor and Workforce Development Agency or its designated department on the steps it has taken to ensure compliance with Section 188 of the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2938), in regard to the provisions as they apply to persons with **disabilities**.

(B) By October 31, 2003, each local workforce investment board that chooses to participate in the federal Ticket to Work and Self-Sufficiency program shall report to the California Workforce Investment Board on its readiness to meet the eligibility standards to serve as an employment network under the federal Ticket to Work and Self-Sufficiency program (Section 1148(f), Part A, Title XI of the Social Security Act, 42 U.S.C. Section 1320b-19).

(2) The Labor and Workforce Development Agency shall report its

findings, based on the reports described in subparagraph (A) of paragraph (1), to the Governor and the Legislature.

12803.65. (a) The Governor shall rename and establish, in the Labor and Workforce Development Agency, the existing California Governor's Committee on Employment of Disabled Persons as the "California Governor's Committee on Employment of People with **Disabilities**" or "CGCEPD."

(b) (1) The California Governor's Committee on Employment of People with **Disabilities** shall include, but not be limited to, the following:

(A) Four individuals with **disabilities** representing disabled persons, two appointed by the Governor and one each appointed by the Senate Committee on Rules and the Speaker of the Assembly, each for a three-year term.

(B) The Directors of the Employment Development Department, State Department of Health Services, State Department of Mental Health, State Department of Developmental Services, State Department of Social Services, and Department of Rehabilitation, and the Chair of the State Independent Living Council.

(C) Representatives from the State Department of Health Services' California Health Incentive Improvement Project.

(D) A representative from the California Workforce Investment Board.

(E) Representatives from any other department or program that may have a role in increasing the capacity of state programs to support the employment-related needs of individuals with **disabilities**.

(F) A representative from a local one-stop or local workforce investment board, to be appointed by the Governor.

(G) A business representative with experience in employing persons with **disabilities**, to be appointed by the Governor.

(2) The members of the California Governor's Committee on Employment of People with **Disabilities** shall select a chair from among the members, and shall hold open meetings no less than quarterly.

(c) The California Governor's Committee on Employment of People with **Disabilities** shall consult with and advise the Labor and Workforce Development Agency and the California Health and Human Services Agency on all issues related to full inclusion in the workforce of persons with **disabilities**, including development of the comprehensive strategy required pursuant to Section 12803.6 and implementation of the grant program established pursuant to Section 12803.7.

(d) The California Governor's Committee on Employment of People

with **Disabilities** shall also:

(1) Coordinate and provide leadership, as necessary, with regard to efforts to increase inclusion in the workforce of persons with **disabilities**.

(2) Report annually to the Legislature and the Governor on the employment status of Californians with **disabilities**.

(e) The California Governor's Committee on Employment of People with **Disabilities** shall provide support to the State Workforce Investment Board and the local one-stop centers in their efforts to achieve full compliance with Sections 18002, 18004, 18006, and 18008 of the Unemployment Insurance **Code**, and shall identify the extent to which any one-stops are not in full compliance with those sections and the reasons for the lack of compliance, including the need for additional resources.

(f) The California Governor's Committee on Employment of People with **Disabilities** shall meet quarterly with the California Health Incentive Improvement Project, administered by the State Department of Health Services, and the project's steering committee, to the extent funding for the project continues and the activities of the California Governor's Committee on Employment of People with **Disabilities** are not inconsistent with the charge of the California Health Incentive Improvement Project.

(g) Using existing funding, the California Governor's Committee on Employment of People with **Disabilities** shall facilitate, promote, and coordinate collaborative dissemination of information on employment supports and benefits, which shall include the Ticket to Work program and health benefits, to individuals with **disabilities**, consumers of public services, employers, service providers, and state and local agency staff.

(h) Using existing funding, the California Governor's Committee on Employment of People with **Disabilities** shall receive primary administrative and staff support from the State Employment Development Department.

12803.7. The California Governor's Committee on Employment of People with **Disabilities**, in conjunction with the Department of Rehabilitation, pursuant to Section 12803.65 and to the extent that funds are available, shall make grants available to counties and local workforce investment boards, through collaborative efforts of public agencies and private organizations, including organizations that serve people with **disabilities**, to accomplish both of the following purposes:

(a) To develop local strategies, including, but not limited to, regular cross-agency staff training, for enhancing employment

opportunities for individuals with **disabilities**.

(b) To fund comprehensive local or regional benefits planning and outreach programs to assist individuals with **disabilities** in removing barriers to work.

12803.8. The secretary shall provide all possible assistance to any county desiring to integrate or otherwise unify services administered by one or more departments in the Health and Welfare Agency. This assistance shall include, but not be limited to, the provision of technical assistance, modification or waiving of administrative regulations, and supporting legislation to modify statutory requirements impeding the integration of services.

The directors of departments within the Health and Welfare Agency shall cooperate with the secretary in assisting the counties to achieve the integration of health, social service, and other programs. At the request of the secretary, the directors of departments shall make available all reasonable resources necessary to meet the legislative intent of integrating these services at the local level.

12804. The Agriculture and Services Agency is hereby renamed the State and Consumer Services Agency.

The State and Consumer Services Agency consists of the following: the Department of General Services; the Department of Consumer Affairs; the Franchise Tax Board; the Public Employees' Retirement System; the State Teachers' Retirement System; the Department of Fair Employment and Housing; the Fair Employment and Housing Commission; the California Science Center; the California Victim Compensation and **Government** Claims Board; the California African-American Museum; and the State Building and Standards Commission.

12804.5. The Secretary of the State and Consumer Services Agency is hereby authorized to develop programs for technical and fiscal assistance to facilitate nonprofit, self-help community vegetable gardens and related supporting activities.

12804.7. The State and Consumer Services Agency succeeds to and is vested with all the duties, powers, purposes, and responsibilities,

and jurisdiction vested in the Department of Food and Agriculture by Part 3 (commencing with Section 3801) of Division 3 of the Food and Agricultural **Code** with respect to the Museum of Science and Industry.

12805. The Resources Agency consists of the State Air Resources Board, the Colorado River Board, the State Energy Resources Conservation and Development Commission, the State Water Resources Control Board and each California regional water quality control board, the State Lands Commission, the Division of State Lands, the San Joaquin River Conservancy, and the following departments: Conservation; Fish and Game; Forestry and Fire Protection; Boating and Waterways; Parks and Recreation; and Water Resources.

12805.1. The Secretary of the Resources Agency shall facilitate coordination between the Department of Fish and Game and the California Coastal Commission in a manner consistent with, and in furtherance of, the goals and policies of Division 20 (commencing with Section 30000) of the Public Resources **Code** (the California Coastal Act of 1976) and of Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game **Code** (the Natural Community Conservation Planning Act).

12805.2. (a) The Resources Agency, in consultation with each department, board, conservancy, and commission within the agency, shall develop and maintain a database of lands and easements that have been acquired by the departments and boards within the Resources Agency. The database shall include, but need not be limited to, all of the following:

- (1) The name of the owner of the land or easement.
- (2) The location of the land or easement.
- (3) The statutory authority for the acquisition of the land or easement.

(b) In conjunction with the database described in subdivision (a), the Resources Agency shall do all of the following:

- (1) On or before September 1, 2002, and each year thereafter, request that all departments, boards, commissions, and conservancies within the Resources Agency provide the Secretary of the Resources Agency with information on any acquisitions of land or funding that was directed to the acquisition of land, undertaken by the

department, board, commission, or conservancy.

(2) To the extent that the information is available, on or before January 10, 2003, and each year thereafter, require that all departments, boards, commissions, and conservancies within the Resources Agency provide the Secretary of the Resources Agency with general information, including a general geographic description of land acquisition priorities and potential funding sources during the next fiscal year.

(3) To the extent feasible, review and evaluate any available information from federal agencies pertaining to its land acquisition activities to coordinate and better understand the impact on California state proposals.

(4) Provide a report to the Governor and the Legislature on or before December 31, 2003, and each year thereafter, that does both of the following:

(A) Describes the amount of land acquired by each department, board, commission, and conservancy within the Resources Agency during the past year and the amount of money spent for the acquisition.

(B) Projects the approximate amount of land that will be acquired by the Resources Agency during the following year.

(5) Provide the report described in paragraph (4) to the Secretary of Food and Agriculture and the Director of Conservation.

(6) Establish a uniform open process to ensure that information is readily available to the general public, local, state, and federal agencies, adjacent landowners, and other interested parties of record regarding any state hearings to approve proposed state land acquisitions.

(7) Develop strategies with local, state, and federal agencies so that a revenue stream is established to ensure management plans are adequately funded for all new acquisitions.

(c) This section shall be implemented only during those fiscal years for which funding is provided for the purposes of this section in the annual Budget Act or in another measure.

12805.5. (a) The Governor, utilizing the staff and resources of state agencies, shall transmit to the Legislature, not later than March 15 of each year, an environmental report designated as the "Environmental Report of the Governor" setting forth all of the following:

(1) A review of environmental developments during the preceding calendar year, including trends in air quality, water quality, solid waste, the generation and disposal of hazardous waste, population growth, the growth in number of vehicles, depletion of natural resources, and other indicators of environmental quality and

pollution.

(2) Forecasts of trends in major indicators of environmental quality, resource depletion, and pollution.

(3) Insofar as possible within existing resources, an evaluation of the economic and human health costs of resource depletion, pollution, and changes in environmental quality.

(4) Additional material on the California environment that is pertinent and of interest, with historical analysis and future projections whenever possible.

(5) Summaries of state policies and actions that relate to environmental developments and trends.

(6) A status update on the California Environmental Technology Program established pursuant to Section 12812.5.

(b) In conjunction with the environmental report, the Governor shall present an environmental message reviewing significant environmental achievements of the past year, outlining problem areas, and defining environmental policy, and shall make recommendations as may be appropriate for programs to decrease pollution, improve environmental quality, and protect natural resources.

12806. (a) The California Health and Human Services Agency shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Health and Welfare Agency.

(b) The Secretary of the California Health and Human Services Agency shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Secretary of the Health and Welfare Agency.

12807. (a) The Resources Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Health and Welfare Agency in respect to the Office of Atomic Energy Development and Radiation Protection, which, by Section 12803, is renamed the Office of Nuclear Energy and transferred to the Resources Agency.

The Secretary of the Resources Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Administrator of the Health and Welfare Agency in respect to the Office of Atomic Energy Development and Radiation Protection.

(b) Any reference to the Health and Welfare Agency or to the administrator of that agency in any law pertaining to the Office of

Atomic Energy Development and Radiation Protection or the Office of Nuclear Energy shall be considered a reference to the Resources Agency or to the Secretary of the Resources Agency, as the case may be, unless the context otherwise requires.

12807.5. The Secretary of the Resources Agency, in reviewing projects pursuant to Sections 5096.87 and 5096.128 of the Public Resources **Code**, shall consider the arborescent prototype park project of the Southgate Recreation and Park District in Sacramento County.

It is the intent of the Legislature that, if the secretary deems that project to be among projects of highest priority and there are insufficient money available under the Z'berg-Collier Park Bond Act and the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 to fund a one hundred seventy-two thousand dollar (\$172,000) grant to the district for that project, any deficiency in that grant be made from other available sources.

12807.6. (a) The Resources Agency shall establish a revolving low-interest loan program and a grant program for commercial fishing vessel owners, operators, and crew members whose primary source of income for each of the last five years has been derived from commercial fishing. The purpose of the low-interest loan program and the grant program is to provide financial assistance to these commercial fishermen who have suffered devastating economic losses from the drought.

(b) Commercial fishing vessel owners, operators, and crew members may apply for a loan under the program at an interest rate not to exceed 3 percent per annum in order to assist them in rescheduling their debts for commercial fishing vessels, homes, and motor vehicles. Applicants shall demonstrate to the Resources Agency the necessity to reschedule these loans.

(c) The Resources Agency may provide grants, not to exceed three months' payment or five thousand dollars (\$5,000), whichever is less, to commercial fishermen for the purpose of making payments on commercial fishing vessels, homes, and motor vehicles. Applicants for these grants shall have previously submitted applications for low-interest loans pursuant to subdivision (b). Checks for the amount of the grant shall be issued to the lender who holds title to the property.

12808. The Health and Welfare Agency and the Resources Agency may

use the unexpended balances of funds available for use by the Human Relations Agency in connection with the functions of the Human Relations Agency that are transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12806, or 12807, as the case may be. Such funds shall be used by the Health and Welfare Agency and the Resources Agency only for the purposes for which they were originally appropriated or otherwise made available to the Human Relations Agency.

12809. All officers and employees of the Human Relations Agency who, on the effective date of the 1972 amendment of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12806, or 12807 shall be transferred to the Health and Welfare Agency or the Resources Agency, as the case may be. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Health and Welfare Agency or the Resources Agency pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Human Relations Agency.

12810. The Health and Welfare Agency and the Resources Agency shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Human Relations Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Human Relations Agency that are transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12806, or 12807.

12811.2. Any reference in any law in effect on June 30, 1979, to the Health and Welfare Agency or to the secretary of that agency, with respect to the Department of Corrections or the Department of the Youth Authority shall be considered a reference to the Youth and Adult Correctional Agency or to the Secretary of the Youth and Adult Correctional Agency, as the case may be, unless the context otherwise requires.

12811.3. (a) Notwithstanding any other provision of law and subject to the provisions of subdivision (i), any employee of a department, board, or commission under the jurisdiction of the Youth and Adult Correctional Agency, who is designated as a peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal **Code**, may transfer from his or her current position to another department, board, or commission under the jurisdiction of the Youth and Adult Correctional Agency.

(b) Any peace officer who desires to transfer to another department, board, or commission pursuant to subdivision (a), and who is prohibited from carrying a firearm pursuant to paragraph (8) of subdivision (g) of Section 922 of Title 18 of the United States **Code** or Section 12021 of the Penal **Code** may not transfer to a department, board, or commission that requires the use of a firearm.

(c) Any peace officer who desires to transfer to another department, board, or commission pursuant to subdivision (a) to a position requiring the ability to carry a firearm, as determined by the department, board, or commission, and who has not completed the required training pursuant to Section 832 of the Penal **Code**, shall successfully complete the required training before appointment to his or her new peace officer position.

(d) (1) Any peace officer who desires to transfer shall not be required to undergo a psychological screening pursuant to subdivision (f) of Section 1031 or subdivision (a) of Section 13601 of the Penal **Code**, unless the Secretary of the Youth and Adult Correctional Agency, or his or her designee, makes a determination that a peace officer is required to undergo all or a portion of a psychological screening as described in subdivision (f) of Section 1031 of this **code** or subdivision (a) of Section 13601 of the Penal **Code**.

(2) The Secretary of the Youth and Adult Correctional Agency shall promulgate emergency regulations in order to implement paragraph (1). Notwithstanding subdivision (b) of Section 11346.1, no showing of an emergency shall be necessary in order to adopt, amend, or repeal the emergency regulations required by this paragraph.

(e) Any peace officer who has successfully completed a course of training pursuant to Section 13602 of the Penal **Code** and who transfers to another department, board, or commission pursuant to subdivision (a) shall not be required to complete a new course of training pursuant to Section 13602 of the Penal **Code**. However, each department, board, or commission may prescribe additional training to be provided to an employee who transfers pursuant to subdivision (a) and shall provide that training within the first six months of appointment to his or her new peace officer position.

(f) Any peace officer who desires to transfer to another department, board, or commission pursuant to subdivision (a) shall

not be required to undergo a new background investigation pursuant to Section 1029.1.

(g) Nothing in this section shall affect an employee's seniority calculation as provided for under current law or any memorandum of understanding between the state and any applicable bargaining unit agreement in effect upon the effective date of this section.

(h) The provisions of the Unit 6 Memorandum of Understanding, which expires July 2, 2006, as modified by the ratified addendum dated June 30, 2004, relating to the release of copies of videotaped incidents, shall be subject to the California Public Records Act.

(i) This section shall become operative only when the Secretary of the Youth and Adult Correctional Agency certifies in writing that it is necessary to prevent or minimize employment actions, including, but not limited to, layoffs, demotions, reductions in time base, or involuntary transfers of employees. In addition, the Secretary of the Youth and Adult Correctional Agency shall have the sole authority to designate any or all departments, boards, or commissions eligible to have its peace officer employees transfer pursuant to subdivision (a) and any or all departments, boards, or commissions that shall accept peace officer employees under this section.

12812.2. (a) One of the deputies to the Secretary for Environmental Protection shall be a deputy secretary for law enforcement and counsel, who, subject to the direction and supervision of the secretary, shall have the responsibility and authority to do all of the following:

(1) Develop a program to ensure that the boards, departments, offices, and other agencies that implement laws or regulations within the jurisdiction of the California Environmental Protection Agency take consistent, effective, and coordinated compliance and enforcement actions to protect public health and the environment. The program shall include training and cross-training of inspection and enforcement personnel of those boards, departments, offices, or other agencies to ensure consistent, effective, and coordinated enforcement.

(2) In consultation with the Attorney General, establish a cross-media enforcement unit to assist a board, department, office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency, to investigate and prepare matters for enforcement action in order to protect public health and the environment. The unit may inspect and investigate a violation of a law or regulation within the jurisdiction of the board, department, office, or other agency, including a violation involving more than one environmental medium

and a violation involving the jurisdiction of more than one board, department, office, or agency. The unit shall exercise its authority consistent with the authority granted to the head of a department pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1.

(3) Refer a violation of a law or regulation within the jurisdiction of a board, department, office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency to the Attorney General, a district attorney, or city attorney for the filing of a civil or criminal action.

(4) Exercise the authority granted pursuant to paragraph (3) only after providing notice to the board, department, office, or other agency unless the secretary determines that notice would compromise an investigation or enforcement action.

(b) Nothing in this section shall authorize the deputy secretary for law enforcement and counsel to duplicate, overlap, compromise, or otherwise interfere with an investigation or enforcement action undertaken by a board, department, office, or other agency that implements a law or regulation subject to the jurisdiction of the California Environmental Protection Agency.

(c) The Environmental Protection Agency shall post on its Web site, updated no later than December 1 of each year, the status of the implementation of this section.

12812.3. One of the deputies to the Secretary for Environmental Protection authorized pursuant to Section 12812.1 shall be a deputy secretary for external affairs who shall provide public outreach, communication to individuals and communities impacted by permitted activities, and technical support to businesses subject to regulation by one or more boards, departments, or offices within the California Environmental Protection Agency.

12812.5. On or before March 1, 1994, the California Environmental Protection Agency, using existing resources and in consultation with other relevant agencies in state and local **government**, shall do all of the following:

(a) Establish an environmental technologies clearinghouse, which shall include, but not be limited to, maintaining information on California-based environmental technology companies and information on funding sources for environmental technology endeavors and making this information available to interested parties.

(b) Make available technical assistance within the California Environmental Protection Agency to assist California-based environmental technology companies to improve export opportunities, and to enhance foreign buyers' awareness of, and access to, environmental technologies and services offered by California-based companies. The technical assistance may include, but is not limited to, organizing and leading trade missions, receiving reverse trade missions, referral services, reviewing project opportunities, and notifying California-based companies of export opportunities and trade shows.

(c) Perform research studies and solicit technical advice to identify international market opportunities for California-based environmental technology companies.

(d) Participate in federally and other nonstate funded technical exchange programs, when appropriate, to increase foreign buyers' interest in California's environmental technologies.

(e) Coordinate activities in state **government**, and with the federal **government** and other countries' governments, to take advantage of trade promotion and financial assistance opportunities available to California-based environmental technology companies.

12812.6. The Secretary for Environmental Protection shall coordinate greenhouse gas emission reductions and climate-change activities in state **government**.

12813. The Labor and Workforce Development Agency consists of the following:

(a) Office of the Secretary of Labor and Workforce Development.

(b) Agricultural Labor Relations Board.

(c) California Workforce Investment Board.

(d) Department of Industrial Relations, including the California Apprenticeship Council, California Occupational Safety and Health Appeals Board, California Occupational Safety and Health Standards Board, Commission on Health and Safety and Workers' Compensation, Industrial Welfare Commission, State Compensation Insurance Fund, and Workers' Compensation Appeals Board.

(e) Employment Development Department, including the California Unemployment Insurance Appeals Board, and the Employment Training Panel.

12814. (a) Notwithstanding any other provision of law, each state

agency or department or political subdivision of the state may isolate any of its automated applications, computer hardware, or networking devices from nonproprietary networks, input streams, power sources, or other devices at any time and for any duration from 3 a.m. on December 31, 1999, to 12 p.m. on January 1, 2000, inclusive, if the Governor, the Chief Information Officer, upon designation of the Governor, or the Governor's Year 2000 Problem Executive Council, as established in Executive Order D-3-99, grants a written authorization for the proposed isolation.

(b) For the purposes of this section, the term "Year 2000 Problem" has the same meaning as that set forth in subdivision (a) of Section 3269 of the Civil **Code**.